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ABSTRACT

The studies counterplan, frequently used as a debate strategy by the negative, is unlikely to produce the desired effect in the United States Congress, its frequently mentioned target. First, Congress tends to move slowly, which implies that an optimal solution determined by a studies counterplan may not be adopted soon after the completion of the studies. Second, constituent pressure is unlikely to change Congressional attitudes on important issues. Constituents generally do not replace incumbents because voters are often uninformed about the issues. Paradoxically, when constituents are effective in altering Congressional attitudes, the result is often "irrational" policy. Third, Congress tends to respond in one of two ways to experiments on public policy. Either Congress may enact the policy before completion of the studies, or Congress may ignore the results of the inquiries. Finally, Congress holds values that are likely to result in what debate judges would consider to be irrational policies. Thus, Congress is not likely to use the information provided by the studies counterplan, so the studies counterplan is a bankrupt policy. (TJ)

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CONGRESS AND THE STUDIES COUNTERPLAN

by

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A recent innovation in intercollegiate debate strategy is the studies counterplan. The premise of the studies counterplan is that there is insufficient information about the problem area on which the affirmative has focused. The negative, therefore, claims that it is not possible to know whether or not a problem exists and that it is not possible to know the optimal solution to the problem. In order to increase the amount of information, the negative proposes that comprehensive study by undertaken to discover whether or not the problem exists and to examine solutions to the problem. After the studies have determined the optimal solution, the negative provides for dissemination of the information to appropriate decision makers.[1] One frequently mentioned target of the information gathered by the studies is the United States Congress.

While there is considerable doubt about the scientific method's utility for endorsing specific policies,[2] further consideration of the likelihood that Congress would adopt the solution that the studies find optimal is needed. The position developed in this paper will be that the forces which operate upon Congress might well result in the rejection of the suggested solution. These forces inlude the speed at which Congress works, the influence of constituents on Congress, Congressional views of experimentation, and the role of Congressional values on the use of information.

Rate of Congressional Decision Making

Most observers of the legislative branch of government agree that Congress tends to react rather slowly. House Minority John Rodes expressed this point of view in his polemic against the Democratic Congress. Rhodes claimed that: "Congress doesn't work as it should. It responds to challenge and initiative slowly, if at all. Out of touch with the people of America, this present Congress is a pitiful helpless giant, devoid of coordination or purpose."[3] Rhodes, of course, claimed that the lack of coordination and purpose could be cured by changing the majority party in the Congress. Other political experts, however, would isolate other reasons for the speed with which Congress makes decisions. Randall Ripley preferred to blame the Congressional committee system. He wrote: "The disadvantage of . . . division of work (committees), particularly when coupled with the fact that committee memberships are stable, is that it encourages the formation of cozy relationships between a small

number of bureaucrats and legislators who come to see eye-to-eye on matters in their particular policy sphere. This results in policy that does not change much."[4] Another expert, Thomas Wolanin, argued that the length of Congressional service t ded to affect Congressional policy making. He argued that the long careers in Congress led to incremental decision making. He wrote: "Senators serve six year terms and more than 90% of congressmen who seek reelection are successful. Thus most congressmen can view their efforts in terms of a career that often spans decades. For this reason as well as practical political constraints, legislators tend to view policy development in evolutionary and incremental rather than revolutionary and comprehensive terms."[5] For whatever reason, the speed of Congressional action might detract from the usefulness of the studies counterplan as an alternative method for making and implementing policy.

Perhaps even more disturbing, however, is the belief by some political commentators that the calls for study only mask an attempt to stall action an a problem. Meg Greenfield explained: "As a matter of convience, there is also the fact that when you actually know something, you are likely to be held responsible for acting on it; and, in government and out, there are vast realms of the bureaucracy dedicated to seeking more information into perpetuity if need be, in order to avoid taking action [her emphasis]."[6] A negative counterplan, then, might set a poor precedent because it would provide Congress with an excuse to continually seek out further information on a problem rather than acting on the problem. In sum, the speed with which Congress acts may not be conducive to the adoption of the optimal solution supported by studies counterplan soon after the completion of the negative studies.

Constituent Pressure

The speed with which Congress acts might be accelerated with a sufficient amount of public pressure. However, constituent pressure may not necessarily be effective with Congresspersons. In fact, the role of constituent pressure on members of Congress often has paradoxical effects. On one hand, Congresspersons are insulated from their constituents, while they also seem to be affected by constituents. Minority Leader Rhodes argued: "Yet the legislative branch answers to no one. It fails to do the job and the people know it, yet the same party leadership remains securely in power. Congressional unaccountability is one of the great paradoxes of our time and for me, it is the main reason for the futility of the system."[7] In essence,

Rhodes argued that the constituents do not replace their Congresspersons when the Congress fails to perform. Part of the reason why Congresspersons may not attend to their constituents is that it is difficult to discover what Congress does. Barry Caspar argued that Congress was insulated from its constituents on technology when he wrote: ". . . [C]ongress often deals with issues in such an esoteric fashion that the public cannot follow what is going on. In this way Congress is effectively insulated from public opinion on many issues concerning technology."[8] While the structure of the Congress operates to insulate the Congress form constituents' opinions, the Congress may also be protected by the tendency of constituencies to ignore most national issues. Lockard claimed: ". . . [T]here are few policies that really arouse wide national support. As pollsters never tire of telling us, the public, when asked about specific policies, often reveals the most appalling ignorance of details, and it can hardly be said that people who know little or nothing about a subject can constitute part of a passionate majority in favor of or against it."[9]

While the system and the ignorance of the people may insulate the Congress from its constituency, the Congress is often unduly responsive to its constituency. One noteworthy example involves Congress' refusal to close many inefficient rural post offices. Edwards averred: "Members of Congress refuse publically [sic] to support the closing of expensive, little-used post offices in their constituencies even though they personally acknowledge that their existence is poor policy and keeps the postage costs of their constituencies high. While one might argue that post offices serve a social welfare function, providing a meeting place in rural areas, in addition to their primary functions, one will search in vain for a serious analysis using this argument. Opposition is based on pleasing constituents."[10] This is not the only example of Congress attempting to please constituents. Edwards continued: "Other examples of congressional responsiveness to constituency interests rather than costs and benefits for the country as a whole include continued aid to federally impacted school districts long after the dislocations of the federal impact have ended, support for building hospitals despite a surplus of hospital beds, and opposition to presidential recommendations for closing unneeded military bases."[11] One might note that these examples where Congresspersons attend to their constituencies result in decisions that are in direct opposition to the adoption of the optimal policy, which is the goal of the studies counterplan. Constituent relations with Congress would seem to

indicate that Congress seldom pays attention to its constituency, and that Congress usually reacts irrationally (in the debate sense) when it does pay attention to its constituency.

Congressional Views of Experiments

There are two prevailing Congressional views of experiments that might obviate the studies counterplan as a viable policy system. First, Congress often refuses to allow the experiment to be completed before action. Second, Congress may refuse to obtain and/or act on data obtained in experiments.

Experimentation in public policy would require that different potential solutions to a social problem be applied to different segments of the population or areas of a governmental entity.[12] As Wolanin pointed out, this type of design is not politically practical. "In a democratic society, it is not possible to provide the benefits of a program to one group of citizens while withholding them from another group who will serve as an experimental control group."[13] Congress often refuses to allow experimentation because it perceives that people would oppose the random distribution of benefits. Edwards argued: "People may oppose the benefits of a policy being distributed by chance. But this randomness is what is needed if policymakers are to base their decisions on an experiment using a cross-section of the target population, with those who do not receive the benefits functioning as a control group."[14] Edwards also claimed that Congress would operate with a short time perspective with respect to experimental information. The result may be that Congress would act on fragmentary information which could well fail to produce the optimal policy. "From a program's conception to the analysis of results may take several years, but the time perspective of most members of Congress are in months. This encourages broad action in the shor-run, not cautious policy experimentation."[15] In sum, political considerations cause the Congress to frustrate the process of experimentation on public policy issues.

This lack of Congressional respect for the experimental method manifests itself in at least one other form. In addition to refusing to allow the experimental process to run its course, Congress often refuses to attend to data resulting from experiments. Wolanin argued: "A frequently voiced criticism of the American national government is that it fails to get the best information and analysis available in making decisions or fails to use it when it gets it. Among the institutions of the federal government, Congress, perhaps, has been perceived most frequently as making uninformed decisions."[16]

Wolanin argued that the reason that Congress fails to use the data provided by scientists is that the data are subjected to different criteria by the Congresspersons and scientists. "A fundamental limitation on the ability of Congressmen process is that their criteria to determine what is relevant information and the criteria applied by those who supply the information to Congress are different. Congress has an institutional perspective and institutional needs that produce data requirements that the data providers outside of Congress do not share because of their own institutional perspectives and needs."[17] The motive of the Congressperson is that his/her constituency may not accept the supposed objectivity of science. That is, the political reality precludes the acceptance of objectivity. Wolanin concurred when he wrote: "Implicit in most questions are values and preferences. These are often unintended and unknown even to the analyst. This is particularly true as the questions and analytic techniques become more abstract and are cast in terms of statistical procedures, models, and simulations. A legislator who buys into the apparently innocent and objective questions runs the risk of being locked into conclusions that are politically unacceptable."[18]

Part of the thesis of the studies counterplan is that present decision-makers will utilize the imporved knowledge to alter current policy. Unger claimed: "Improvements in the tools of decision-<u>making</u> [his emphasis], i.e., the knowledge base upon which operations are undertaken, will permit superior functioning by the decision-<u>makers</u> [his emphasis] already in existence."[19] However, the use of this knowledge might well place the Congressperson in a politically unacceptable position. When faced with the choice of taking a politically unacceptable position based on solid data and a politically acceptable position, the Congressperson will usually choose the politically acceptable position. Caspar argued that: "In this milieu [Congress] techincal considerations take a back seat to political compromise and accomodation to particular interests."[20]

The form of the Congressperson's refusal to accept scientific data is indicated by Wolanin. "While they [Congresspersons] will generally defer to the experts (especially if the recognized experts present a solid front) [his parentheses], they may be swayed by the passions of a hot issue or the appeal of popular cliches and 'buzz words.'"[21] Examples of Congressional use of appeals to clinches instead of studies in recent history are not difficult to find. One need only remember the Congressional failure to develop any policy

on energy for over six years, the Congressional repeal of the seat belt interlock in 1974, and the Congressional refusal to take any menaingful action on gun control. All of these problems have provided affirmatives with successful case areas for a number of years, yet Congress refuses to opt for any of the solutions that seem quite rational to the supposedly rational policy makers who sign debate ballots. The reason for the difference in choices between Congresspersons and debate judges on policy issues is a function of the role of values and the types of values held by these two groups.

Role of Congressional Philosophy

A fatal flaw in the rationale for the studies counterplan is that its originators failed to consider the role of values in decision making. As epistemologists have indicated, different values result in the selection of different alternatives. ". . . [T]he rationality of a decision presupposes certain values. We choose one alternative rather than another because we prefer one outcome to another, and it is our expectation that the alternative chosen will have the preferred outcome."[22] A brief consideration of the different values of debate judges and Congresspersons will partially explain why studies will not necessarily sway the Congress.

Many debate judges claim to be "rational policy makers." Cross and Matlon reported that 25 to 56 judges responding to their questionnaire considered themselves to be policy makers.[23] Cross and Matlon indicated: "Policy making judges make on-balance judgments at the end of the debate. They compare the affirmative system to that defended by the negative and vote for the team that defends the better policy, even if the benefit is quite small."[24] Two of my collegues at Arizona State relayed to me that one unsuccessful candidate for my position explained this philosophy in the following manner: "I count up the dead bodies the affirmative has and the dead bodies that the negative has and vote for the team that has the most dead bodies."[25] While this statement is an exceedingly simplistic description of the way that the policy making judge makes decisions, it is safe to say that this type of judge usually weighs most heavily the tangible impact of policy in making decisions. Seldom are ballots cast on such Congressional concerns as inflation, unemployment, and constitutional rights. Moreover, policy making judges would rarely vote against a plan because the people disapproved of it. Rather, the values of the policy making judge overemphasizes the ultimate impact of a policy.

In contrast, Congress lacks such concrete criteria for the analysis of

policy alternatives. In place of the concrete criteria of the policy making debate judge, the Congressperson weighs the effect of policy with idiosyncratic values. Wolanin argued: "In the congressional context there are clearly no stipulated criteria for deciding what is desirable public policy. There are rarely even stipulated goals or objectives for policy on the basis of which criteria for making decisions could at least theoretically be developed. Each congressional decision maker weighs arguments and information against his own policy objectives and his own criteria for deciding whether those objectives will be advanced by a particular course of action."[26] Kingdon argued that Congressional decision making involved the Congressperson's comparison of his own philosophy to that reflected by the policy. ". . . [P]olicy dimensions enter the process through some attitudinal mechanism. The Congressman has a set of attitudes about matters of public policy, obviously closely connected to policy goals, . . ., which affect his voting quite directly. Thus, a congressman sorts a given issue into a policy dimension, matches his own position on that dimension to the proposal under consideration, and picks the alternative which has the best match to his own position."[27]

This process would seem to explain a number of policy decisions that debate judges would consider irrational. If general success of an affirmative case can be assumed to be evidence that the debate community perceives a particular policy to be rational, then an observer should conclude that debate judges perceive stricter gun control and mandatory seat belt use to be rational policies. Yet Congress has repeatedly refused to strengthen gun control laws and even repealed the seat belt interlock law. These Congressional decisions might be explained by the belief held by many Congresspersons that freedom of choice is a value that outweighs savng life, at least under certain circumstances. Clearly, Congress is operating with values that differ substantially with those used by debate judges. The Congressional value system obviates the utility of the studies counterplan because the information gathered by the negative counterplan will not necessarily alter Congressional decision.

Summary

In summation, the nature of Congress is likely to work against the utility of a studies counterplan. First, Congress tends to move slowly, which implies that an optimal solution determined by a studies counterplan may not be adopted soon after the completion of the studies. Second, constituent pressure is

unlikely to change Congressiional attitudes on important issues. Constituents generally do not defeat incumbents because voters are generally uninformed about the issues. Paradoxically, when constituents are effective in altering Congressional attitudes, the result often is usually "irrational" policy. Third, Congress tends to respond in one of two ways to experiments on public policy. Either Congress may enact the policy before completion of the studies, or Congress may ignore the results of the inquiries. Finally, Congress holds values which are likely to result in what debate judges would consider to be irrational policies. In short, the Congress is not likely to use the information provided by the studies counterplan. The studies counterplan, thus, is a bankrupt policy.

Notes

[1]James J. Unger, "Investigating the Investigators: A Study of the Studies Counterplan," Unpublished paper presented to the Speech Communication Association in Minneapolis, Minnesota, November, 1978. This article was reprinted under the same title in Debate Issues, 12 (February 1979) pp. 1-8. All references to this source appearing in this paper will refer to the paper delivered at the SCA convention.

[2]Michael E. Mayer, Jerold Hale, and Kathryn French, "Theoretical, Epistemological, and Empirical Considerations of the Studies Counterplan," Unpublished paper presented to the Western Speech Communication Association in Los Angeles, California, February, 1979, pp. 11-25.

[3]John J. Rhodes, The Futile System (McLean, Va.: EPM Publications, Inc. 1976), p. 47.

[4]Randall P. Ripley, Congress: Process and Policy (New York: W.W. Norton and Co., Inc., 1975), pp. 60-61.

[5]Thomas R. Wolanin, "Congress, Information, and Policy Making for Postsecondary Education," Policy Studies Journal, 4 (1976), 382.

[6]Meg Greenfield, "Why We Don't Know Anything," Newsweek, 18 December 1978, p. 112.

[7]Rhodes, p. 25.

[8]Barry M. Caspar, "Scientists on the Hill," Bulletin of the Atomic Scientists, 33, No. 9 (November 1977), 15.

[9]Duane Lockard, The Perverted Priorities of American Politics (New York: The MacMillan company. 1971), p. 143.

[10]George C. Edwar[illegible] III, "Congressional Responsiveness to Public Opinion:

A Policy Perspective," Policy Studies Journal, 5 (1977), 487.

[11]Ibid., p. 488.

[12]Mayer, Hale, and French, pp. 20-22.

[13]Wolanin, p. 383.

[14]Edwards, p. 486.

[15]Ibid., p. 487.

[16]Wolanin, p. 382.

[17]Ibid., pp. 389-390.

[18]Ibid., pp. 390.

[19]Unger, p. 7.

[20]Caspar, p. 11.

[21]Wolanin, p. 385.

[22]Abraham Kaplan, The Conduct of Inquiry: Methodology for Behavioral Sciences (Scranton, Pa.: Chandler Publishing Company, 1964), p. 250.

[23]John D. Cross and Ronald J. Matlon, "An Analysis of Judging Philosophies in Academic Debate," Journal of the American Forensics Association, 15 (1978), 113.

[24]Ibid., p. 114.

[25]Conversation with Dr. John Reinard and Dr. Frank Boster.

[26]Wolanin, p. 388.

[27]John W. Kingdon, "Models of Legislative Voting," Journal of Politics, 39 (1977), 573.